

FILED BY  D.C.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

05 JUN -3 PM 12: 02

ROBERT R. DI TROLLO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

NO. 01-20169 Ma

MARLAN MITCHELL,)

Defendant.)

ORDER APPOINTING COUNSEL

Before the Court is United States District Judge Samuel H. Mays's request that the Magistrate Judge appoint counsel for Defendant Marlan Mitchell.

On August 23, 2002 a jury announced a verdict of guilty against Mr. Mitchell, and on December 27, 2002, Judge Mays sentenced Mr. Mitchell to confinement for 288 months. Mr. Mitchell appealed his sentencing to the United States Court of Appeals for the Sixth Circuit, and on July 20, 2004, the Sixth Circuit affirmed the jury's guilty verdict, vacated Judge Mays' sentencing, and remanded the case to the district court for re-sentencing. Mr. Mitchell's counsel of record, Mr. Robert C. Brooks, then filed a Motion to Withdraw requesting he be permitted to withdraw as counsel for Defendant because of prior obligations and because his practice is limited to direct appeals. Judge Mays granted the Motion to Withdraw and instructed the Magistrate Judge to appoint new counsel for Mr. Mitchell.

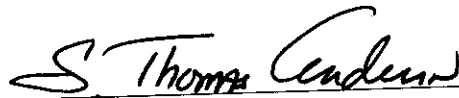
The Court finds that Defendant is entitled to new counsel to assist him during his re-sentencing hearing, which Judge Mays has set for June 30, 2005. Therefore, the Clerk is directed

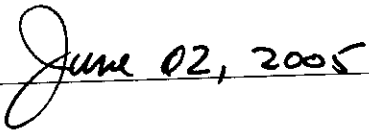
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This document entered on the docket sheet in compliance
with Rule 55 and/or 32(b) FRCP on 6-6-05

(158)

to appoint an attorney from the CJA Panel to act as counsel of record for Mr. Mitchell. The Clerk shall also forward a copy of this Order to Mr. Mitchell's last known address with the Bureau of Prisons.

IT IS SO ORDERED.


S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: 



Notice of Distribution

This notice confirms a copy of the document docketed as number 158 in case 2:01-CR-20169 was distributed by fax, mail, or direct printing on June 6, 2005 to the parties listed.

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U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT